

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL BRENT ROTHENBERG, et al.,

Plaintiffs,

v.

FEDERAL DEPOSIT INSURANCE  
CORPORATION, et al.,

Defendants.

Case No. 23-cv-01603-JST

**ORDER VACATING ORDER TO  
SHOW CAUSE**

Re: ECF No. 60

The Court issued an order to show cause on June 9, 2025, directing Plaintiff Michael Rothenberg to show cause why the Court should not impose monetary sanctions for his failure to file a response to Defendant FDIC-R's motion to refer this case for a settlement conference and his failure to appear at the hearing on the motion. ECF No. 60. Mr. Rothenberg filed a response to the order to show cause on June 30, 2025. ECF No. 61.

Mr. Rothenberg's response explains his failures by stating that although his former criminal defense lawyer, Hanni Fakhoury,

did not formally represent me in this case, he was familiar with the proceedings and kept me informed of relevant developments in this matter. After his representation concluded, I no longer had regular assistance monitoring the docket or understanding procedural deadlines.

ECF No. 61 at 1.

The excuse is hard to credit. Mr. Rothenberg is an "e-filer," which means that he receives immediate notification by email of any docket activity in this case. Thus, he does not need the assistance of a lawyer to "ke[ep] him informed of relevant developments in this matter" because he automatically receives notification of such developments. Nor does Mr. Rothenberg identify any "procedural deadlines" in the Court's prior orders that would have required professional

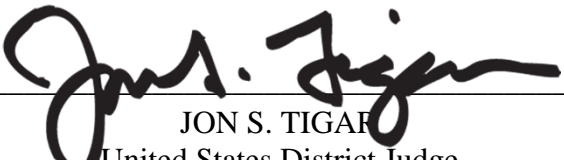
1 assistance to understand.

2 Nonetheless, the Court concludes that the order to show cause made its point. Mr.  
3 Rothenberg states that he “take[s] these matters seriously and [is] committed to participating  
4 responsibly going forward.” The Court hopes and expects that will be the case.

5 The order to show cause is discharged. The case management conference will proceed on  
6 November 4, 2025, as scheduled.

7 **IT IS SO ORDERED.**

8 Dated: July 11, 2025

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10 JON S. TIGAF  
11 United States District Judge  
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